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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,921	08/07/2003	Samuel Henderson	003797.00553	8857

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EXAMINER

TRAN, QUOC DUC

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,921	HENDERSON, SAMUEL	
	Examiner	Art Unit	
	Quoc D. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-9, 15-19, 21-22, 24-26 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Lautenschlager et al (6,970,543).

Consider claims 1, 4, 18, 21, 36. Emerson teaches a method of obtaining and resolving caller ID in a communication system, comprising selecting, by a first user, a caller ID associated with an identity of the first user (page(s). 5, § 0039 through 0040); transmitting, upon selection, the caller ID to at least one contact from a list of contacts selected from the first user's contact database (page(s). 5, § 0039 through 0040); and associating the first user's selected caller ID in a second user's communication database with the first user (page(s). 6, § 0043-0044).

Emerson does not suggest of transmitting, upon selection of the caller identification and before initiating communication with a second user (i.e., "deliver selected identification information from one user to another before communication has been established"). However, Lautenschlager teaches a method and device for call identification that enable the user to select the identification data and transmitting to the destination user before communication has been

Art Unit: 2614

established (i.e., in or upon call setup) between the users (abstract; col. 1 line 54 – col. 2 lines 8; col. 2 lines 23-52).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lautenschlager into view of Emerson in order for providing called party with adequate information prior to take the call.

Consider claims 2, 19. Page(s) 7, § 0050, page(s) 8, § 0065 of Emerson reads on the limitation browsing a plurality of predefined identifiers stored in the first user's database.

Consider claims 4, 21. Page(s) 5, § 0039 of Emerson reads on the limitation creating the first user's own identifier.

Consider claims 5, 22. Page(s) 6, § 0043-0044 of Emerson read on the limitation storing the selected caller ID in a storage relating to the first user.

Consider claims 7-9, 24-26. Page(s) 6, § 0043 of Emerson reads on the limitations detecting an event (i.e., receiving caller ID from a user), detecting the type of the identifier (i.e., electronic business card) and storing the EBC.

Consider claims 15-17, and 32-34. Page(s) 5, § 0039 of Emerson reads on the first user's ID may be an image, a video or an animation.

Consider claim 35. Emerson teaches a method of obtaining and resolving caller ID in a communication system, comprising selecting, by a first user, a caller ID associated with an identity of the first user (page(s). 5, § 0039 through 0040); transmitting, upon selection, the caller ID to at least one contact from a list of contacts selected from the first user's contact database (page(s). 5, § 0039 through 0040); and associating the first user's selected caller ID in a second user's communication database with the first user (page(s). 6, § 0043-0044).

Art Unit: 2614

Emerson does not suggest a mobile terminal and transmitting, upon selection of the caller identification and before initiating communication with a second user (i.e., “deliver selected identification information from one user to another before communication has been established”). However, Lautenschlager teaches a method and device for call identification that enable the user to select the identification data and transmitting to the destination user before communication has been established (i.e., in or upon call setup) between the users (abstract; col. 1 line 54 – col. 2 lines 8; col. 2 lines 23-52; col. 4 lines 29-33).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Lautenschlager into view of Emerson in order for providing called party with adequate information prior to take the call.

3. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Lautenschlager et al (6,970,543) and further in view of Awada et al (6,873,861)

Consider claims 3, 20. Emerson does not teach browsing and downloading identifiers from a remote storage facility or network.

Awada teaches browsing and downloading identifiers from a remote storage facility or network (column(s) 4, line(s) 48 through column(s) 5, line(s) 7) for the purpose of storing and providing electronic business cards to another cellular telephone user (column(s) 1, line(s) 5-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Awada into the teachings of Emerson for the purpose mentioned above.

Art Unit: 2614

4. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Lautenschlager et al (6,970,543) and further in view of Morkel (US 2002/0052921).

Consider claims 6, 23. Emerson does not teach transmitting the caller ID to the list of contacts.

Morkel teaches transmitting the caller ID to the list of contacts (page(s) 1, ¶ 0007; page(s) 2, ¶ 0011; page(s) 3, ¶ 0035) for the purpose of securely acquiring, handling and maintaining contact information (page(s) 1, ¶ 0002, 0006).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Morkel into the teachings of Emerson for the purpose mentioned above.

5. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Lautenschlager et al (6,970,543) and further in view of Beaton et al (6,442,263).

Consider claims 10, 27. Emerson does not teach overriding, upon the second user selecting an option, the first user's self-chosen ID information for the second user's choice of ID information for the first user.

Beaton teaches overriding, upon the second user selecting an option, the first user's self-chosen ID information for the second user's choice of ID information for the first user (i.e., the user can EDIT the bizcard with new information; column(s) 7, line(s) 52-65) for the purpose of manipulating the CLID information to provide enhanced user interface (column(s) 3, line(s) 4-5).

Art Unit: 2614

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Beaton into the teachings of Emerson for the purpose mentioned above.

6. Claims 11-14 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Lautenschlager et al (6,970,543) and further in view of Toyryla et al (US 2003/0083086).

Consider claims 11-14, and 28-31. Emerson does not teach that the ID is music, speech or ring tone.

Toyryla teaches distributing electronic business cards, ringing tones and logos (page(s) 3, ¶ 0042) for the purpose of managing group creation and membership definition between users using standard user-to-user communication facilities (page(s) 3, ¶ 0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Toyryla into the teachings of Emerson for the purpose mentioned above.

Response to Arguments

7. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Important Notice

8. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

Art Unit: 2614

Conclusion

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOCTRAN
PRIMARY EXAMINER


AU 2614

March 22, 2006